

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6201
BILL NUMBER: SB 5

DATE PREPARED: Mar 1, 2001
BILL AMENDED: Feb 27, 2001

SUBJECT: Open alcoholic beverage containers.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes it a Class B infraction for the operator of a motor vehicle, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, to allow an alcoholic beverage container that has been opened, that has a broken seal, or from which some of the contents have been removed to be in the passenger compartment of the motor vehicle. It provides certain exceptions.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: This bill provides for a Class B infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Effect on Federal Funding: (Revised) This bill could impact federal transportation funding that Indiana is projected to receive. On October 1, 2000, and October 1, 2001, if a state has not enacted and is not enforcing an open container law, an amount equal to 1.5% of funds apportioned to the state for highway use will be transferred to the state's Section 402 apportionment. That amount must be used for alcohol-impaired driving countermeasures or enforcement of driving while intoxicated (DWI) or driving under the influence (DUI) laws.

On October 1, 2002, and each October 1 thereafter, if a state has not enacted and is not enforcing an open container law, the transferred amount increases to 3% of the states's appropriation for the specified Federal-

aid programs.

The U.S. Department of Transportation, Federal Highway Administration estimated the amount of the penalty to be \$6.6 M for Federal Fiscal Year (FFY) 2001. The National Highway Transportation Safety Administration reports that the transfer has been made and the actual amount is \$6.9 M.

The estimate for FFY 2002 (begins October 1, 2001) is \$7.6 M and the estimate for FFY 2003 is \$15.2 M.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.(2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: U.S. Department of Transportation, Federal Highway Administration: National Highway Transportation Safety Administration, Marline Markison, 202-366-0166.